



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

EPA Region 5 Records Ctr.



264463

REPLY TO THE ATTENTION OF

July 31, 2003

BY FAX

Ms. Carol M. Douglas  
Ungaretti & Harris  
3500 Three First National Plaza  
Chicago, Illinois 60602-4283

Re: Ellsworth Industrial Park Site (Site)

Dear Ms. Douglas:

The letter responds to your letter dated July 29, 2003. As your letter notes, it is the policy of the United States Environmental Protection Agency (U.S. EPA) as stated in the pending Agreement in Principle for this Site that recalcitrant parties should not benefit from their refusal to participate in the upcoming settlement. This policy would apply to Tricon as well if it declined to participate.

As your letter requests, I can reaffirm that U.S. EPA is not currently negotiating or entertaining separate settlements with anyone for the Site. I can further confirm that U.S. EPA has not committed to any individual or cashout settlement to anyone in connection with the Site.

U.S. EPA will seriously consider taking steps to address the concerns raised by Tricon concerning the finances of non-participating parties. U.S. EPA also continues to encourage these parties to join in the settlement and would appreciate any efforts Tricon can make to facilitate participation by additional parties.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Tom Krueger".

Thomas J. Krueger  
Associate Regional Counsel